



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,088	12/20/2001	Vincent Vaccarelli	LEAP:114_US_	9688
24041	7590	04/29/2004	EXAMINER	
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			FINEMAN, LEE A	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/027,088		VACCARELLI ET AL.	
	Examiner		Art Unit	
	Lee Fineman		2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 January 2004 has been entered in which claim 1 was amended. Claims 1-9 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over SO-1350 Brochure and SO-5000 Microscope Information, www.scanoptics.com.au [online] (henceforth Scan Optics) in view of Leishman, U.S. Patent No. 5,036,852.

Regarding claim 1, 2 and 4-6, Scan Optics discloses a microscope stand (figure, page 1 of SO-1350 brochure) of a type having an electrically powered element and a standard power inlet connected to said element (see power cord in figure), said standard power inlet rated to provide a first voltage; a standard auxiliary power outlet connected to said standard power inlet, providing a second voltage, and operatively arranged for receiving a power cord of an electrically powered auxiliary device associated with said microscope stand (see page 2 of brochure, under camera

Art Unit: 2872

heading, power supply subhead, "power outlet jack provided on SO-5000 Ophthalmic Microscope") wherein said standard power inlet of said microscope stand and said standard auxiliary power outlet are formed according to a common standard chosen from a plurality of standards in use throughout the world (figure) and wherein said electrically powered element is an illumination source (see SO-5000 Microscope Information, the element is an illumination source, main coaxial light). Scan Optics discloses the claimed invention except for said standard auxiliary power outlet providing a second voltage identical to said first voltage, explicitly stating that the power inlet, power cord and power outlet are adapted for accepting a standard International Electrotechnical Commission (IEC) Connector and wherein said power inlet comprises a male plug portion for accepting a first female outlet of said power cord and said auxiliary power outlet comprises a second female outlet for accepting a male plug portion of a power cord of an auxiliary device therein. Standard auxiliary female power outlets able to accept a standard IEC connector and having a second voltage matching the first voltage of a standard male power inlet also able to accept a standard IEC connector are well known to provide a receptacle for additional standard/common electrical equipment. For example, the device of Leishman (fig. 3) includes a standard IEC power inlet (90, fig. 2, column 4, lines 57-59) of a first voltage and a standard IEC auxiliary power outlet (74, fig. 2) of a second voltage, which is identical to the first voltage (column 5, lines 53-59, it is replacing the wall outlet so the auxiliary outlet has the same voltage as the inlet) to provide a receptacle for additional standard/common electrical equipment and wherein said power inlet comprises a male plug portion (column 4, line 57) for accepting a first female outlet of said power cord (column 4, lines 58-59) and said auxiliary power outlet comprises a second female outlet for accepting a male plug portion of a

Art Unit: 2872

power cord of an auxiliary device therein (column 5, lines 53-59). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the auxiliary power outlet of Scan Optics be of identical voltage to that of said power inlet, make them both IEC compliant and a female outlet and a male plug respectively, as suggested by Leishman, to be able to power additional standard/common electrical equipment.

Regarding claims 7, 8 and 9, Scan Optics further discloses said power inlet and said power outlet operatively arranged on an outer surface of said microscope stand (figure). Scan Optics discloses the claimed invention except for the microscope stand being of a desktop type. Official notice is taken that desktop microscope stands are well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the stand of Scan Optics into a desktop type to make the microscope system more compact and able to be used in smaller spaces. It is noted as directed by the MPEP 2144.03 that if the applicant does not seasonably traverse the well-known statement during examination, then the object of the well-known statement is taken to be admitted prior art. *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). As such, the above official notice statement of the examiner are now held to be admitted prior art.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scan Optics in view of Leishman, as applied to claim 1 above, and further in view of Austin, U.S. Patent No. 5,389,740.

Scan Optics in view of Leishman, as applied to claim 1 above disclose the claimed invention except for further comprising a cover installed to prevent access to said auxiliary

Art Unit: 2872

power outlet, wherein said cover is adapted to be removable by a service technician but not by an end user. Austin teaches a cover (120, figs. 7 and 8) installed to prevent access to a power outlet (column 7, lines 11-46), wherein said cover is adapted to be removable by a service technician but not by an end user (if the service technician has the special tool, column 7, lines 38-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the cover of Austin to the auxiliary power outlet of Scan Optics in view of Leishman to prevent electrical shock due to tampering and preclude unwanted connection or disconnection of critical electrical equipment (Austin, column 5, lines 19-25).

Response to Arguments

5. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (571) 272-2313. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2872

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LAF
April 20, 2004


MARK A. ROBINSON
PRIMARY EXAMINER